

USEPA Perspective: Clean Water Act Compliance Issues at Department of Defense Facilities

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Outline

- CWA New Programs/Priorities
 - ▶ Surface Water Impacts: Storm Water, Beaches
 - ▶ New Phase 2 Storm Water Regulations
 - ▶ Controlling Sanitary Sewer Overflows
 - ▶ Sewage Treatment Plants
 - ▶ Industrial Pretreatment Rules
 - ▶ Compliance Issues

Beach Health / Beach Closures

- Beach Monitoring Increasing
- Beach Postings & Advisories Increasing
- California Experience
 - ▶ 6,352 Beach Postings and Closures in 2000
 - ▶ 91% (5,780) of total in Southern California
 - ▶ 52% of national total
- Leading Causes:
 - ▶ Urban Runoff
 - ▶ Sewage Spills

Impacts from Urban Runoff

- Polluted storm water runoff is the leading cause of impairment to the nearly 40% of US water bodies that do not meet Water Quality Standards.

NPDES Permitted Facilities, Post Storm Water Phase 2

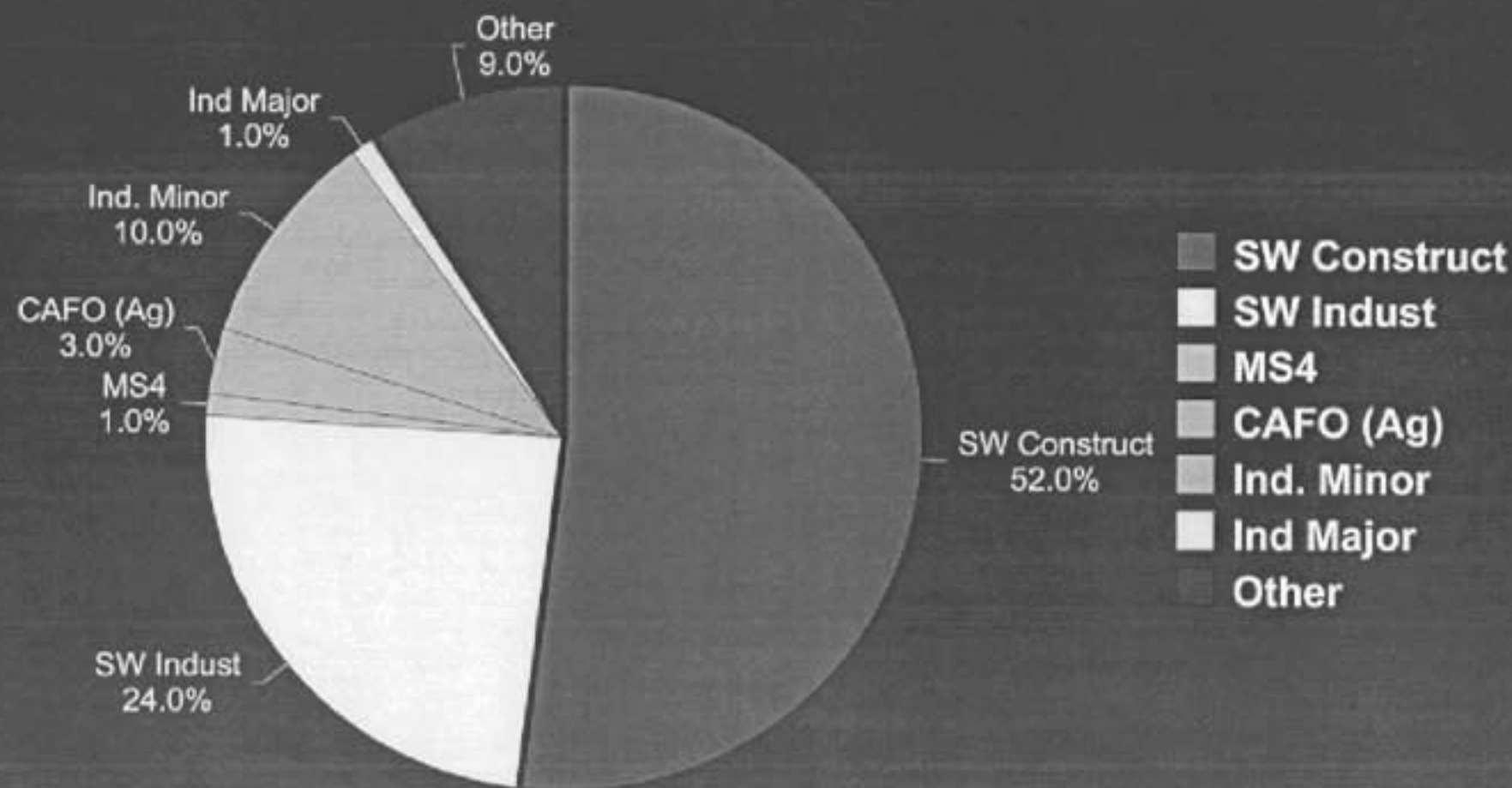


Fig 1

Phase 2 Storm Water Requirements

- Municipal separate storm sewer system control programs (MS4s) are key to effective control of storm water pollution
- Phase 2 adds small municipalities
 - ▶ Based on "urbanized areas" as defined by U.S. Census
 - population >50,000 and density >1000/sq mile
 - military bases within boundaries of an MS4 must obtain permit coverage and develop MS4 program

Six Minimum Control Measures for Small MS4s

- ▶ Public Education and Outreach
 - ▶ Public Involvement/Participation
 - ▶ Illicit Discharge Detection and Elimination
 - ▶ Construction Site Runoff Control
 - ▶ Post-Construction Storm Water Controls
 - ▶ Pollution Prevention/Good Housekeeping for Municipal Operations
- Also requires the establishment of measurable goals

Phase 2, Next Steps

- General Permits expected for small MS4s by December 2002
- Small MS4 programs due March 2003
- Full implementation of small MS4 programs within 5 years
- Small Construction Sites (1-5 acres) also added by Phase 2
- No Exposure exemptions for Industrial Activities available

Sanitary Sewer Overflows

- National Priority
- Concern includes both wet and dry weather spills
- Emphasis on CMOM Program
 - ▶ Capacity, Management, Operations and Maintenance
- Rulemaking no longer on hold
 - ▶ Tentative schedule: proposed rule in spring '03

Major Issues for Proposed Rule

- Require a CMOM Program
- Spills to Waters are Prohibited
- Standardized Reporting Requirements
- Permits for "Satellite" Collection Systems
- Significant Costs
- Rule will apply to municipal collection systems
- EPA taking comments on applicability of rule to federal facilities

CMOM Elements

- Spill Response, Notification and Reporting
- Adequate Line Inspection and Maintenance
- Proper Pump Station Safeguards
- Grease Source Control
- Odor Control
- Long Term Rehabilitation and Replacement
- Adequate Capacity Assurance

SSO Issues at Military Bases

- Navy bases close to water
- Increased attention to aging infrastructure needed. Recapitalization rate goal = 67 yrs
- Staffing and training needs
- Greater regulatory scrutiny
- EPA, Region 9 actively involved at several DoD facilities
 - ▶ Compliance Agreement in place for Pearl Harbor calls for significant reduction in spills
 - ▶ Spills and effluent limit violations at Camp Pendelton

Sewage Treatment Plants

- Subject to NPDES permit discharge limits
- EPA compliance criteria = Quarterly Noncompliance Report of dischargers in significant noncompliance
- California compliance criteria = mandatory minimum penalties
- Need for qualified plant operators
- Need for long term infrastructure maintenance

Compliance At DoD Facilities

- DoD facilities enjoy privilege of sovereign immunity under CWA
 - ▶ Regulatory enforcement authorities limited
 - ▶ Penalties often unavailable
 - ▶ Double standard -- seen as unfair
 - ▶ States and citizen groups testing enforcement options
 - ▶ Mandatory penalties in place in some states; DoD and other federal facilities not subject
 - ▶ CWA Section 313 requires compliance "to the same extent as any nongovernment entity"

Compliance At DoD Facilities

(continued)

- DoD should hold itself to a high standard in light of privilege it enjoys
 - ▶ Maintain high compliance levels at ALL facilities
 - ▶ Rapidly address compliance issues identified

Compliance At DoD Facilities (continued)

- DoD Needs to Do Better -- Examples
 - ▶ In California, DoD facilities accounted for 25% (978) of NPDES permit violations in the State's 2000 annual report to the legislature
 - many municipal and industrial facilities faced mandatory penalties
 - ▶ Industrial User permits issued by Cities obligate military facilities to comply with pretreatment program in Region 9
 - ▶ SSO issues not being addressed in places. High spill rates among military bases.

Recommended Compliance Approach for DoD Facilities

- Communicate with EPA
- Understand regulatory obligations
- Coordinate with your municipal STP and industrial waste program
- Provide sufficient qualified staff
- Participate in WEF and CWEA conferences and training programs
- Participate in CA storm water task force
- Secure funds for sustainable recapitalization of wastewater infrastructure

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